

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, April 10, 2014

6:00 p.m. - Regular Meeting

Present: Planning Commission: Darryl Glissmeyer
Stacie Ferguson
Harry Zane
Kieth Rawlings
Mark Webb
Michael Thurber

Absent: David Richards
Clayton Vance

Staff Present: Planning Director Anthony Kohler
Planning Secretary Karen Tozier

Others Present: James Doolin, Mike Stewart, Francis Harrison, and Rena Bucad.

Chairman Rawlings convened the meeting at 6:00 with a quorum present. Commissioners Vance and Richards were excused. Commissioner Webb was not present at this time.

Pledge of Allegiance: Commissioner Glissmeyer
Minutes: March 13, 2014, Regular Meeting

Commissioner Zane motioned to approve the March 13, 2014 Regular Meeting Minutes. Commissioner Ferguson seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, and Ferguson. Voting Nay: none. The motion carried.

Item 1 **Mel McQuarrie requests Subdivision Plat Amendment A of The Cove at Valley Hills, amending Lot 38, 41, and 42, located between 1772 North Valley Hills Boulevard and Callaway Drive.**

Commissioner Ferguson was representing the Petitioner. She recused herself at this time and came down from the stand before the item was discussed. Commissioner Webb arrived at approximately 6:10 p.m.

REQUEST

Coyote Development, LLC, the Petitioner, is proposing to enlarge Lot 38 and 42 while shrinking Lot 41. The lots are located within the R-1 Residential Zone, requiring 100 feet of street frontage and 10,000 square feet of area. Last year the petitioner sought an identical approval that included the addition of two lots to the south. The reason the proposal has been

changed is the owner of Lot 41 is anxious to record the amended plat, and by removing the two new lots, significant required improvements to sewer, water, and a retaining wall can be put off to when the two new lots are ready to be recorded.

Stacie Ferguson was present representing the Petitioner. She answered the Commission's questions as to what changes were being made to the plat compared to the last time this plat was before the Commission; the same changes as a year ago minus the water tanks. The lot line changes were reviewed. The ownership has changed since the last time this plat amendment was looked at.

DISCUSSION

The Planning Commission discussed the following points:

- Has the easement to the water tank been given to the City? Has the land the tank is on been given to the City? Stacie Ferguson's understanding was this is still planned to record.
- The last time this came through Planning Commission the City asked for the burrow ditch to be cleaned off from sluff off the east side of Valley Hills Boulevard and construction of a retaining wall,
- One of the lots from the previous plat cannot get a building permit due to water pressure;
- Concern was expressed for the property owners. The Commission did not want to hold these property owners hostage for something that the developer had not done, i.e. the easement and land the tank is on being deeded to the City, retaining wall, etc.
- Discussion on tabling and getting a legal opinion;
- The Planning Commission discussed informing the City Council of the commitments that Mel McQuarrie has made that have not been followed through.

MOTION

Commissioner Webb moved that we recommend Subdivision Plat Approval of Amendment A of the Cove at Valley Hills which applies to Lot 38, 41, and 42 between 1772 North Valley Hills Boulevard and Callaway Drive. And that it meet all staff and engineering requirements, and is consistent with Heber City Municipal Code Chapter 18.52 and the R-1 Residential Zone. And then if Tony, if you could add that to the notes that we talked about as far as what his, what Mel has agreed to do previously, that, the retaining wall, and that the water tower (tank) easement and the transfer of the Lot to the City. Commissioner Thurber seconded the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Commissioner Ferguson went back to sit with the Planning Commission as a voting member.

Item 2 **Oakwood Homes of Utah requests Subdivision Final Approval for The Cottages at Valley Station Phases 2 and 3 located between 600 West and 300 West and 1000 South and 1300 South.**

REQUEST

The Petitioner is requesting Final Approval of the proposed Cottages at Valley Station, Phases 2 & 3, consisting of Detached Single Family Homes in the Mixed Use Residential Commercial Zone (MURCZ). Phase 2 consists of 48 lots and Phase 3 consists of 47 lots.

Commissioner Webb left the meeting. Anthony Kohler presented information; the supplemental staff report was referenced which indicated that Industrial Parkway has been designed to the 66 foot wide minor collector standard and should instead be designed to the 70 foot wide major collector standard. In essence this is a right-of-way issue; as proposed, the asphalt width is six feet shy of the adopted standard for this street. The proposed solution is to apply the three recommendations from the supplemental staff report.

To obtain the required street width of 50 feet within the 72 foot right-of-way, Staff recommends the following:

1. Utilize a six foot planter strip along Industrial Parkway instead of an eight foot planter strip. This exceeds the adopted minimum planter strip width of four feet.
2. Shrink the lot depths (and some widths) throughout the development to attain an additional four feet for use along Industrial Parkway. Between these two options, the necessary six feet can be obtained to widen Industrial Parkway to meet current standards.
3. In exchange for maintaining the wider six foot planter strip and the developer accommodating the additional width for the street, utilize Heber City Municipal Code Section 18.68.175 Open Space to permit the lots in the subdivision to have 25 foot front setbacks to the garage.

James Doolin of Oakwood Homes spoke. He indicated they want to put in different species of trees from what had originally been proposed. They will evaluate the trees to make sure they will not encumber the walking path. He also indicated the goal is to have the park be a public park. The homeowners would have to enforce others from coming to the park if not. It was noted that Devin McKrola had asked for trees to be removed to protect the integrity of the water line. They are in favor of the setback change. If the City takes over the Parks Department has asked for the trail to be xeriscaped.

DISCUSSION

The Planning Commission discussed the following points:

- The recommended changes to meet the 72 foot right-of-way requirement including the change to the planter strip;
- Should the .99 acre park be public or not?
- The street trees are too low.

MOTION

Commissioner Zane moved that we approve Oakwood Homes of Utah's request (for) Subdivision Final Approval for The Cottages at Valley Station Phases 2 and 3 located between 600 West and 300 West and 1000 South and 1300 South contingent upon they revise the subdivision layout in accordance with the 25 foot setback and the 72 foot right-of-way along Industrial Parkway and that they follow the recommendations on Tony's recommendation sheet including all the things on the staff report, Items 1 – 8 and the Engineers' recommendations and contingent upon meeting the staff and City Engineer's requirements, and including the park is accepted by the City.

Commissioner Glissmeyer seconded the motion.

STAFF RECOMMENDATION:

The proposed final application is consistent with Preliminary Approval, Section 18.42.100 Mixed Use Residential Standards, Chapter 17.20.030 Final Plans, Chapter 17.40 Improvements, Chapter 17.24 Street Design Standards, Chapter 17.28 Block Design Standards, Chapter 18.102 Affordable Housing, and the Valley Station Development Agreement, contingent upon the proposed development agreements for each phase, applicable to future buyers of lots in the development, conditional upon the following:

1. The plat shall specify that setbacks are measured to property line not the back of curb.
2. Developer shall coordinate with WCWEP about proposed landscaping near irrigation lines within Parcel A. WCWEP indicates that only shrubs with 2 foot or smaller root balls may be planted within their easement, which contains a 48 inch and a 14 inch irrigation waterline.
3. Developer shall meet and coordinate the Parcel A improvements and landscaping with the City Park & Cemetery Director prior to the Phase 2 plat recording.
4. The plats shall provide addresses for each lot.
5. 10 foot front, 10 foot rear, and 5 foot side Public Utility Easements shall be shown on each plat.
6. The following condition of preliminary approval needs to be submitted prior to final plat recording:
 - a. Control of erosion within the subdivided area;
 - b. Reseeding of cuts and fills;
 - c. Prevention and control of fire and control of dust;
 - d. Prevention of the accumulation of weeds and debris; and
 - e. Prevention of the destruction of vegetation or else the establishing of new vegetation;
7. Prior to recording the plat, developer shall provide:
 - a. An updated title report; and
 - b. Tax clearance from the county assessor.
8. A document abandoning the existing sewer easement traversing through the proposed development shall be recorded concurrent with the plat recording.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Item 3 **Wasatch School District requests Small Subdivision Approval for Lot 1 of the Old Wasatch High School Redevelopment, located on the southeast corner of Main Street and 600 South.**

REQUEST

On January 9, 2014, the Planning Commission granted concept approval to the proposed subdivision. The property is located in the C-2 Commercial Zone. Development Pads would be built along Main Street and new public and private roads throughout the property. The School District agreed to align 100 East with existing 100 East and connect a public street to Main Street along their existing driveway. The current proposal is to plat one lot on the corner, and is considered a small subdivision by the code.

The Wasatch County School District's engineer, Paul Berg, presented information and answered the Commission's questions. He indicated there will be improvements to the sidewalk area on Main Street

DISCUSSION

The Planning Commission discussed the following points:

- There were many questions addressed to Berg on access, roads, and park strip. Berg explained the improvements to the lots, roads, and sidewalk.
- Access for Lot 1 will be taken care of with the site plan associated with the building permit;
- The buyer of Lot 1 has not formally approached the City. Berg indicated they will probably approach the City for a driveway access off 600 South.
- The proposed building will be 7000-8000 square feet, 35 – 40 parking spaces will be needed.
- The tenants association will maintain the private roads; the right-of-way will be dedicated to the tenant association.

MOTION

Commissioner Zane moved that we recommend Wasatch School District's request for Small Subdivision Approval for Lot 1 of the Old Wasatch High School Redevelopment, located at the southeast corner of Main Street and 600 South contingent upon they meet the requirements of staff and city engineer and that they meet the requirements that are in the recommendations (staff recommendations) that it is filed under Chapter 18.28 C-2 Commercial Zone, and Chapter 17 Subdivisions, 1-14 (of the recommendations). Commissioner Ferguson seconded the motion.

There was brief discussion on Item 11, UDOT approval for proposed driveway onto Main Street. Paul Berg indicated they had met with UDOT's approval committee and that they were waiting to find out what the width of the sidewalk would be.

RECOMMENDATION

The proposed subdivision is consistent with the applicable codes, Chapter 18.28 C-2 Commercial Zone, and Chapter 17 Subdivisions, conditional upon:

1. burial of power and utility lines along lot frontage;
2. replacement of sidewalk along Main Street to the current five foot standard width at property line at an elevation with no greater slope of 2% in the planter strip to the curb;
3. replacement of ADA corner to current standards;
4. removal of concrete planter strip for future landscaping along Main Street;
5. replacement of any broken sidewalk and broken or settling curb along Main Street and 600 South;
6. water rights being turned over to the City in an amount determined by the City Engineer;
7. water and sewer laterals being constructed from the mains to the lot;
8. installation of a fire hydrant as per City standard;
9. removal of the existing 600 South driveway closest to the Main Street intersection and associated hard surface and preferably removing the second driveway as well;
10. replacement of existing cobra head street lighting with standard decorative acorn street light;
11. UDOT approval for proposed driveway onto Main Street;
12. private road with sidewalk and planter strips be constructed to east boundary of Lot 1;
13. submit a plan for what entity maintains the storm drain easement; and
14. the final plat showing the address of the new lot.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Item 4 **Brian Lee requests approval of proposed Activa Plaza Condominium Plat Second Amendment located at 385 West 600 South.**

REQUEST

Heber City determined last year to have about 16 feet of excess property in front of Activa Plaza along 600 South, and deeded that property to Activa Plaza, which makes all of the lots 16 feet deeper. The proposal reduces the 33 foot public utility easement running north and south along the west edge of the

plat 25 feet wide, adding eight feet of width to the building pad on Unit 4. The proposed Plat Amendment incorporates the city property and reduced utility easement property into the legal descriptions for the lots in Activa Plaza, particularly for Unit 4. Anthony Kohler indicated there is room for expansion of this road. Brian Lee answered the Planning Commission's questions.

DISCUSSION

The Planning Commission discussed the following points:

- Removing some parking spaces close to the entrance on 300 South for visibility purposes. Brian Lee agreed that this was a good idea.

MOTION

Commissioner Zane moved that we recommend approval for Brian Lee's request for proposed Activa Plaza Condominium Plat Second Amendment located at 385 West 600 South since they are consistent with City Code, Chapter 17 Subdivisions, and Chapter 18 Zoning Ordinance and contingent upon they meet the requirements of the Staff and the City Engineer. Commissioner Glissmeyer seconded the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Item 5 **Brian Lee requests Commercial Final Development Approval for proposed Office Building located Unit 4 Activa Plaza at 385 West 600 South.**

REQUEST

The petitioner is requesting approval of an office building on Unit 4 of Activa Plaza. The lot is part of the Activa Plaza Condominium project. The property is zoned Manufacturing and Business Park (MBP). The proposed building is intended to house an attorney an insurance agent, and the basement is intended to be aimed at a health promoting business.

Brian Lee answered questions on the plans for the building.

DISCUSSION

The Planning Commission discussed the following points:

- The building elevations;
- Daylight basement on north and west side with large window wells to provide light;

- Egress for the lower level may be needed.
- The engineers report; sidewalk would be on three sides of the building which included one in front of the building on the south side.
- Fire access should be added to one of the conditions of the engineers report.

MOTION

Commissioner Glissmeyer moved that Brian Lee's request for Commercial Final Development for a proposed office building located at Unit 4 Activa Plaza at 385 West 600 North be approved meeting all City specifications, staff reports, and engineering reports. Commissioner Glissmeyer then rephrased his motion. Commissioner Glissmeyer moved to approve the proposed development as consistent with the applicable codes, Chapter 18.48 Business and Manufacturing Zone, contingent upon street trees and lawn being planted within the setback areas, the large existing tree being retained for the new site, shielded lighting be used on the site to keep light from reflecting upon adjoining residential properties, a sidewalk constructed from building to 600 South public sidewalk. Commissioner Glissmeyer amended his motion to include conditional upon petitioner addressing City Engineer's concerns and fire access be added to the engineer's requirements. It was noted that this will be added when a building permit is applied for.

Commissioner Zane seconded the motion; the second stood through amendments to the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Brian Lee asked a question on whether a food service business could do business in this building. There was brief discussion on this. There were concerns over residences in the area being so close to this.

ADMINISTRATIVE ITEMS:

Discussion on Administrative Law Judge for Zoning Violations

Anthony Kohler explained how having an administrative law judge works for zoning violations. The second option allows for an Administrative Law Judge in the place of the Board of Adjustment.
Discussion:

- Qualifications: The individual who fills this position would need to have a Masters Degree or PHD in government or law.
- This could help avoid partiality;
- Talk to Kamas and see how it works for them;
- Most of the Commissioners were interested in seeing this move forward;
- Direction to look into this further.

The Commissioners were informed that on April 17th at 6:00 p.m. there would be a work meeting with the City Council for Code of Conduct and Ethics.

Commissioner Zane moved to adjourn the meeting. Commissioner Thurber seconded the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried and the meeting adjourned at 7:49 p.m.